
Licensure Actions, Rule

The Background:

Tennessee criminal law allows for two types of diversion: pre-trial or judicial. In pre-trial diversion, the prosecutor agrees to suspend prosecution for a given period of time and dismiss the case at the expiration of that time period, provided certain terms are complied with. The individual may then apply to have the case expunged. If an offender meets certain requirements (first-time offender, e.g.), the judge is required to grant a request for pre-trial diversion.

In judicial diversion, the judge may dispose of certain offenses via probation and the possibility of dismissal and expungement of the record upon completion of the probationary period. To qualify for judicial diversion, the individual must enter a plea of guilty or no contest.

The current language of the revocation rule (0520-2-4-.01(9)) is not as clear as it could be. By rewording one sentence in part (b), potential confusion over the applicability of the rule in cases of judicial diversion will be eliminated.

The Master Plan Connection:

This item supports the Board's Master Plan principles of effective school leaders and effective teachers by clarifying what criminal court actions constitute "conviction" for purposes of license denial, suspension or revocation.

The Recommendation:

The SBE staff recommends adoption of the rule revision on final reading.

Licensure Actions Rule Revision

Subparagraph (b) of paragraph (9) of Rule 0520-2-4-.01 General Information and Regulations is revised by deleting the sentence beginning “For purposes of this part” in its entirety and replacing the sentence with the following language:

For purposes of this part (b), “conviction” includes entry of a plea of guilty or nolo contendere, or entry of an order granting pre-trial or judicial diversion.